

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

F. STUART WESTMORLAND,

Plaintiff,

V.

MICHELE WESTMORLAND,

## Defendant.

No. C07-1435MJP

## MINUTE ORDER

This minute order is made at the direction of the Court, the Honorable Marsha J. Pechman,

**United States District Judge:**

On September 13, 2007, Plaintiff filed his complaint. (Dkt. No. 1.) On September 26, 2007, Plaintiff filed a motion for summary judgment. (Dkt. No. 4.) Defendant has not yet answered or otherwise appeared. Because less than twenty days have passed since the filing of Plaintiff's complaint, the motion for summary judgment is premature. Under Federal Rule 56(a), a motion for summary judgment brought by the Plaintiff may be brought "at any time after the expiration of 20 days from the commencement of the action ...." Fed. R. Civ. P. 56(a). In addition, it appears that Plaintiff did not serve the motion on Defendant, as required by Federal Rule 5(a). No proof of service, as required under Local Rule 5(f) has been provided to the Court.

Because the motion is premature, the Court STRIKES the motion without prejudice to Plaintiff refiling the motion in compliance with all applicable federal and local rules.

Dated this 27<sup>th</sup> day of September, 2007.

BRUCE RIFKIN, Clerk  
By /s/ Mary Duett  
Deputy Clerk